

REMARKS

Claims 1, 3 through 12, 15, 17, and 19 through 32 are pending in this Application. Claims 1, 3 through 7, 9 through 12, 15, 17, 19, 20, 22 through 30, and 32 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, Figs. 3 and 4, and ¶¶ [0025] through [0030], [0035] through [0037], [0042], [0051], [0065], and [0070] of the corresponding US Pub. No. 2005/0137014. Applicant submits that the present Amendment does not generate any new matter issue.

Personal Interview of October 8, 2009.

Applicant expresses appreciation for the courtesy of the Examiner and his supervisor in granting and conducting a personal interview on October 8, 2009. During the interview, no agreement was reached.

Claims 1, 3 through 10, 12, 15, 17, and 19 through 32 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Hardisty et al.* (US 2004/0152517, “*Hardisty*”).

In stating the rejection, the Examiner asserted that *Hardisty* discloses all elements of the claimed inventions. Applicant respectfully traverses this rejection.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, as those elements are set forth in the claims, such that the claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Praxair, Inc. v. ATMI, Inc.*, 543 F.3d 1308, (Fed. Cir. 2008); *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003); *Crown*

Operations International Ltd. v. Solutia Inc., 289 F.3d 1367 (Fed. Cir. 2002); *Candt Tech Ltd. v. Resco Metal & Plastics Corp.*, 264 F.3d 1344 (Fed. Cir. 2001). Moreover, when imposing a rejection under 35 U.S.C. § 102 for lack of novelty, the Examiner is required to specifically identify wherein the applied reference discloses each and every feature of the claimed invention, particularly when such is not apparent as in the present case. *In re Rijckaert*, 9 F.3d 1531 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Indeed, there are fundamental differences between the claimed inventions and *Hardisty* that scotch the factual determination that *Hardisty* discloses, or even remotely suggests, any of the claimed inventions.

The claimed inventions employ contact information in a V-Card format ([0027]) that includes information relating to supported games ([0038]), thereby advantageously enabling multiplayer games among electronic gaming devices (e.g., mobile terminals). In situations wherein a second player is unknown to a first player prior to the first player receiving the v-card, the two players are able to easily initiate the game via the v-Card that includes information on supported games, without being burdened by conventional “getting to know you” processes which include, for example, time consuming exchange of multiple e-mails. By exchanging contact information (including supported game information) in a v-Card format, the claimed inventions initiate a multiplayer game faster and in a more user-friendly manner than in the prior art methods. A user need only open the v-Card of the desired gaming partner and select a game from a list in the v-Card. A gaming request is then automatically sent to the partner. If the partner responds positively, the game is started automatically in a multiplayer mode in both players' gaming devices (§ [0011]). This entire concept, implemented in the present claims, is alien to the applied prior art.

Specifically, independent claims 1, 15, 19, and 23 recite: **“receiving and storing at an electronic gaming device contact information in a v-Card format transmitted from at least one other gaming device, the contact information comprising an identifier of a user thereof and information of multiplayer capable games supported by the at least one other gaming device; displaying on a display of the electronic gaming device a list of multiplayer capable games supported by the electronic gaming device and the at least one other gaming device; and automatically generating and sending to the at least one other gaming device a gaming request for playing a multiplayer game supported by both devices and selected from the list, the request comprising an invitation to play the multiplayer game supported by both devices”** that undermine the prior art rejection. These features, which are neither disclosed nor suggested by *Hardisty*, create factual obstacles undermining the imposed rejection for lack of novelty under 35 U.S.C. § 102.

The dramatic differences between the claimed inventions and *Hardisty* crystallize by realizing that a user in *Hardisty* must know: (1) an online status of another user (via a presence server); (2) the game availability of the other device (via a game server, or the presence server, or a device log, or peer-to-peer instance messages); and (3) whether the other user is willing to play (FIGs. 3 through 5; ¶¶ [0036] through [0038]). On the other hand, in accordance with the claimed inventions a user merely needs to determine the game availability in the v-Card, and then sends out a request to find out whether another user is interested in playing a game.

Moreover, Applicant separately argues the patentability of claims 20, 22 and 24. Specifically, claim 20 recites: **“causing at least in part a key is pressed in a predetermined way thereby automatically showing the v-Card of a predetermined electronic gaming device; showing a list of the multiplayer capable games supported by the predetermined**

electronic gaming device, when a game link in the v-Card is selected on the display; and detecting a selection of a game in the displayed list thereby sending the gaming request on the basis of the selection (§ [0070]). *Hardisty* is silent with respect to these features. Claim 22 recites “the contact information [in a v-Card format] comprises the list of multiplayer capable games supported by the electronic gaming device and the at least one other gaming device (§ [0029]).” The conventional v-Card simply does not contain supported game information of a sending device, let alone supported game information of both sending and receiving devices. Claim 24 recites: “setting a game request block; blocking a reception of a gaming request sent from a sending game device; and **sending to the sending gaming device a message indicating that a receiving gaming device has an active gaming request block (§ [0065]).**” Clearly, *Hardisty* neither discloses nor suggests the step of sending to the sending gaming device a message indicating that the receiving gaming device has an active gaming request block.

The above-argued fundamental and functionally significant differences between the claimed inventions and *Hardisty* undermine the factual determination that *Hardisty* identically discloses the claimed inventions as required under 35 U.S.C. §102(a). *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Applicant, therefore, submits that the imposed rejection of claims 1, 3 through 10, 12, 15, 17, and 19 through 32 under 35 U.S.C. §102(b) for lack of novelty based on *Hardisty* is not factually viable, and hence, solicit withdrawal thereof.

Claim 11 was rejected under 35 U.S.C. § 103(a) for obviousness predicated upon *Hardisty* in view of *LaDue* (US 5,999,808, “*LaDue*”).

This rejection is traversed. Specifically, claim 11 depends from independent claim 1. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for lack of novelty as evidenced by *Hardisty*. The secondary reference to *LaDue* does not cure the previously argued deficiencies of *Hardisty*. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claim 11 under 35 U.S.C. § 103 for obviousness predicated upon *Hardisty* in view of *LaDue* is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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